



MINUTES

JUDICIARY INTERIM COMMITTEE

Monday, June 15, 2020 | 9:00 a.m. | 20 House Building

Members Present:

Sen. Todd Weiler, Chair
Rep. Karianne Lisonbee, Chair
Sen. Kirk A. Cullimore
Sen. Lyle W. Hillyard
Rep. Cheryl K. Acton
Rep. Brady Brammer
Rep. Craig Hall
Rep. Jon Hawkins
Rep. Eric K. Hutchings
Rep. Brian S. King
Rep. Stephanie Pitcher

Rep. Travis M. Seegmiller
Rep. V. Lowry Snow
Rep. Steve Waldrip
Rep. Mark A. Wheatley

Members Absent:

Sen. Luz Escamilla

Staff Present:

John Feinauer, Policy Analyst
Jacqueline Carlton, Associate General Counsel
Nathan Erickson, Administrative Assistant

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Chair Lisonbee called the meeting to order at 9:04 a.m.

1 . Committee Business

MOTION: Rep. Hawkins moved to approve the minutes from November 20, 2019, meeting. The motion passed with a vote of 10 - 0 - 6.

Yeas-10

Rep. B. Brammer
Rep. C. Hall
Rep. J. Hawkins
Sen. L. Hillyard
Rep. E. Hutchings
Rep. K. Lisonbee
Rep. T. Seegmiller
Rep. V. Snow
Rep. S. Waldrip
Sen. T. Weiler

Nays-0

Absent-6

Rep. C. Acton
Sen. K. Cullimore
Sen. L. Escamilla
Rep. B. King
Rep. S. Pitcher
Rep. M. Wheatley

[Summary - Open and Public Meetings Act](#)

John Feinauer, Policy Analyst, Office of Legislative Research and General Counsel, gave a presentation summarizing the Open and Public Meetings Act.

2 . Legislative Management-approved Study List, 2020 Interim

[2a - 2020 Interim Study Items](#)

Chair Lisonbee opened the meeting for committee discussion on the Judiciary Interim Study Item list.

MOTION: Sen. Weiler moved to add landlord notification to the 2020 Judiciary Interim Study Item list. The motion passed with a vote of 13 - 0 - 3.

Yeas-13

Rep. B. Brammer
Rep. C. Hall
Rep. J. Hawkins
Sen. L. Hillyard
Rep. E. Hutchings
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. V. Snow
Rep. S. Waldrip
Sen. T. Weiler
Rep. M. Wheatley

Nays-0Absent-3

Rep. C. Acton
Sen. K. Cullimore
Sen. L. Escamilla

MOTION: Rep. Hutchings moved to approve the 2020 Judiciary Interim Study List.

Chair Lisonbee opened the meeting for public comment.

Michael Drechsel provided public comment concerning the 2020 Judiciary Interim Study item list.

Christopher Ballard, Utah Attorney General's Office, provided public comment concerning the 2020 Judiciary Interim Study Item list.

SUBSTITUTE MOTION: Rep. Hawkins made a substitute motion to add the review of Anti-SLAPP Law to the study item list and include Uniform Law Commission recommendations, and approve the 2020 Judiciary Interim Study Item List. The substitute motion passed with a vote of 15 - 0 - 1.

Yeas-15

Rep. C. Acton
Rep. B. Brammer
Sen. K. Cullimore
Rep. C. Hall
Rep. J. Hawkins
Sen. L. Hillyard
Rep. E. Hutchings
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. V. Snow
Rep. S. Waldrip
Sen. T. Weiler
Rep. M. Wheatley

Nays-0Absent-1

Sen. L. Escamilla

MOTION: Rep. Hutchings moved to approve the amended Judiciary Interim Study Item list. The motion passed with a vote of 15 - 0 - 1.

Yeas-15Nays-0Absent-1

Sen. L. Escamilla

Rep. C. Acton
Rep. B. Brammer
Sen. K. Cullimore
Rep. C. Hall
Rep. J. Hawkins
Sen. L. Hillyard
Rep. E. Hutchings
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. V. Snow
Rep. S. Waldrip
Sen. T. Weiler
Rep. M. Wheatley

3 . Tolling Statute of Limitations in an Emergency[3a - Tolling Amendments - Letter](#)

Senator Iwamoto presented on and proposed to the committee to toll the statute of limitations in the event of an emergency.

Steve Sullivan, Attorney, DeBry and Associates, spoke to the issue of tolling the statute of limitations in the event of an emergency and spoke in favor of the proposal.

Chair Lisonbee opened the agenda item for questions and committee discussion.

Chair Lisonbee opened up the meeting for public comment.

Sara E. Bouley, Attorney, spoke to the issue.

4 . Authority to Open Judiciary-related Bill Files

John Feinauer, Policy Analyst, Office of Legislative Research and General Counsel, presented to the committee on the Judiciary Interim Committee chairs opening Judiciary-related bill files.

5 . Review of Appellate Decisions that Call for Legislative Action

5a - Calls for Legislative Action - Table

5b - Calls for Legislative Action - PowerPoint

Jacqueline Carlton, Attorney, Office of Legislative Research and General Counsel, presented to the committee Utah Appellate Court decisions that call for legislative action and answered clarifying questions from the committee.

MOTION: Rep. Hall moved to refer Waterfall v. Retirement Board to the Retirement and Independent Entities Interim Committee for further study and action. The motion passed with a vote of 14 - 0 - 2.

Yeas-14

Rep. C. Acton
Rep. B. Brammer
Sen. K. Cullimore
Rep. C. Hall
Rep. J. Hawkins
Sen. L. Hillyard
Rep. E. Hutchings
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. V. Snow
Rep. S. Waldrip
Rep. M. Wheatley

Nays-0Absent-2

Sen. L. Escamilla
Sen. T. Weiler

MOTION:

Rep. Seegmiller moved to refer Utah Office of Consumer Services v. Public Service Commission of Utah to the Public Utilities, Energy, and Technology Interim Committee for further study and action. The motion passed with a vote of 14 - 0 - 2.

Yeas-14

Rep. C. Acton
Rep. B. Brammer
Sen. K. Cullimore
Rep. C. Hall
Rep. J. Hawkins
Sen. L. Hillyard
Rep. E. Hutchings
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. V. Snow
Rep. S. Waldrip
Rep. M. Wheatley

Nays-0Absent-2

Sen. L. Escamilla
Sen. T. Weiler

MOTION:

Rep. King moved that the committee add State v. Newton to the committee's 2020 Study Item list. The motion passed with a vote of 15 - 0 - 1.

Yeas-15

Rep. C. Acton
Rep. B. Brammer
Sen. K. Cullimore
Rep. C. Hall
Rep. J. Hawkins
Sen. L. Hillyard
Rep. E. Hutchings
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. V. Snow
Rep. S. Waldrip
Sen. T. Weiler
Rep. M. Wheatley

Nays-0Absent-1

Sen. L. Escamilla

MOTION:

Rep. Brammer moved that the committee add Rutherford v. Talisker Canyons Finance, Co., LLC to the committee's 2020 Study Item List. The motion passed with a vote of 14 - 0 - 2.

Yeas-14

Rep. C. Acton
Rep. B. Brammer
Sen. K. Cullimore
Rep. C. Hall
Rep. J. Hawkins
Sen. L. Hillyard
Rep. E. Hutchings
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. V. Snow
Rep. S. Waldrip
Rep. M. Wheatley

Nays-0Absent-2

Sen. L. Escamilla
Sen. T. Weiler

MOTION: Sen. Hillyard moved to move on to the next agenda item

SUBSTITUTE MOTION: Rep. Snow made a substitute motion to add State v. Bowden to the committee's 2020 Study Item list. The substitute motion passed with a vote of 15 - 0 - 1.

Yeas-15

Rep. C. Acton
Rep. B. Brammer
Sen. K. Cullimore
Rep. C. Hall
Rep. J. Hawkins
Sen. L. Hillyard
Rep. E. Hutchings
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. V. Snow
Rep. S. Waldrip
Sen. T. Weiler
Rep. M. Wheatley

Nays-0Absent-1

Sen. L. Escamilla

MOTION: Sen. Hillyard moved to move on to the next agenda item. The motion passed with a vote of 14 - 0 - 2.

Yeas-14

Rep. C. Acton
Rep. B. Brammer
Sen. K. Cullimore
Rep. C. Hall
Rep. J. Hawkins
Sen. L. Hillyard
Rep. E. Hutchings
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. V. Snow
Rep. S. Waldrip
Rep. M. Wheatley

Nays-0Absent-2

Sen. L. Escamilla
Sen. T. Weiler

6 . Legislative Management-approved Study List, 2020 Interim

MOTION: Rep. Seegmiller moved to reconsider the interim study item list and add "studying the issue of Utah public school children, age k-12, accessing XXX pornography using taxpayer-funded databases, networks or hardware, while attending Utah public schools." The motion passed with a vote of 14 - 0 - 2.

Yeas-14

Rep. C. Acton
Rep. B. Brammer
Sen. K. Cullimore
Rep. C. Hall
Rep. J. Hawkins
Sen. L. Hillyard
Rep. E. Hutchings
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. V. Snow
Rep. S. Waldrip
Rep. M. Wheatley

Nays-0Absent-2

Sen. L. Escamilla
Sen. T. Weiler

7 . Electronic Wills

Rep. Snow introduced the agenda item of electronic wills and answered clarifying questions from the committee.

Craig Hughes, Estate Planning Lawyer, spoke in favor of electronic and answered questions from the committee.

MOTION: Rep. Snow moved to recommend the bill file titled" Uniform Electronic Wills Act". The motion passed with a vote of 14 - 0 - 2.

Yeas-14

Rep. C. Acton
Rep. B. Brammer
Sen. K. Cullimore
Rep. C. Hall
Rep. J. Hawkins
Sen. L. Hillyard
Rep. E. Hutchings
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. V. Snow
Rep. S. Waldrip
Sen. T. Weiler
Rep. M. Wheatley

Nays-0Absent-2

Sen. L. Escamilla
Rep. B. King

8 . Legislative Management-approved Study List, 2020 Interim

MOTION: Rep. Snow moved to reconsider and correct the previous motion and add State v. Bridgewaters to the committee's 2020 Interim Study Item list and refer State v. Bowden to the Law Enforcement and Criminal Justice Interim Committee for further study and action. The motion passed with a vote of 14 - 0 - 2.

Yeas-14

Rep. C. Acton
Rep. B. Brammer
Sen. K. Cullimore
Rep. C. Hall
Rep. J. Hawkins
Sen. L. Hillyard
Rep. E. Hutchings
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. V. Snow
Rep. S. Waldrip
Sen. T. Weiler
Rep. M. Wheatley

Nays-0Absent-2

Sen. L. Escamilla
Rep. B. King

9 . Indigent Defense Commission Study[7a - Utah Indigent Defense Issue Brief](#)[7b - Indigent Defense Presentation](#)

Alex Wilson, Office of the Legislative Fiscal Analyst, gave a presentation on the Indigent Defense Study and answered.

Joanna Landau, Director, Utah Indigent Defense Commission, responded to the presentation and spoke to the Indigent Defense Commission.

MOTION: Rep. Acton moved to request and prioritize recommendations from the Indigent Defense Commission and for the Judiciary Committee to study the issue of paycheck garnishments. The motion passed with a vote of 14 - 0 - 2.

Yeas-14

Rep. C. Acton
Rep. B. Brammer
Sen. K. Cullimore
Rep. C. Hall
Rep. J. Hawkins
Sen. L. Hillyard
Rep. E. Hutchings
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. V. Snow
Rep. S. Waldrip
Sen. T. Weiler
Rep. M. Wheatley

Nays-0Absent-2

Sen. L. Escamilla
Rep. B. King

10 . Electronic Submission for Governmental Immunity Claims

Chair Lisonbee introduced the agenda item.

Steve Sullivan, Attorney, DeBry and Associates, spoke to the issue of governmental immunity claims.

Brian Nelson, Director, Division of Risk Management also spoke to the issue.



MOTION: Sen. Hillyard moved to add this topic to the committee's 2020 Interim Study Item list. The motion passed with a vote of 13 - 1 - 2.

Yeas-13

Rep. C. Acton
Sen. K. Cullimore
Rep. C. Hall
Rep. J. Hawkins
Sen. L. Hillyard
Rep. E. Hutchings
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. V. Snow
Rep. S. Waldrip
Sen. T. Weiler
Rep. M. Wheatley

Nays-1

Rep. B. Brammer

Absent-2

Sen. L. Escamilla
Rep. B. King

MOTION: Rep. Seegmiller moved to adjourn. The motion passed with a vote of 14 - 0 - 2.

Yeas-14

Rep. C. Acton
Rep. B. Brammer
Sen. K. Cullimore
Rep. C. Hall
Rep. J. Hawkins
Sen. L. Hillyard
Rep. E. Hutchings
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. V. Snow
Rep. S. Waldrip
Sen. T. Weiler
Rep. M. Wheatley

Nays-0Absent-2

Sen. L. Escamilla
Rep. B. King

Chair Lisonbee adjourned the meeting at 11:55 a.m.